

Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned "VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE."

Due to a typographical error, claim 54 as filed erroneously depended from claim 2. Claim 54 has been amended to properly depend from claim 52, which is directed to the species shown in Figs. 11 and 12. Accordingly, claim 54 should be withdrawn from consideration as being drawn to a nonelected species.

Claims 1-18, 54, 66-73 and 77 were rejected under 35 USC §112 as being indefinite. Claims 1, 17, 66, 68 and 70 have been amended to delete the phrase "of the type" as required by the examiner.

Claims 1-13, 16, 54, 66, 67, 69 and 77 were rejected under 35 U.S.C. §102(b) as being anticipated by Chappell (US 4,599,079). This basis for rejection is respectfully traversed.

Independent claims 1 and 66 were amended to clarify that the bracket base has a substantially horizontal upper surface for substantially its entire length. Chapell discloses an automatic derailleur shifter that includes a frame connected arm (42) that is oriented at a large angle relative to the horizontal so that a chain follower (58) may engage the upper surface of a chain (14). Structuring the frame connected arm (42) to be horizontal would defeat this purpose, for the chain follower (58) would end up below the chain. Thus Chapell neither discloses nor suggests the presently claimed structures.

Claims 1, 2, 13, 15, 66, 69 and 77 were rejected under 35 U.S.C. §102(b) as being anticipated by Spicer (US 5,390,946). This basis for rejection is respectfully traversed.

As noted above, independent claims 1 and 66 were amended to clarify that the bracket base has a substantially horizontal upper surface for substantially its entire length. Spicer discloses a dual wheel drive clutch for a bicycle transmission that includes a clutch frame (15) for holding a pinion gear (17) at an orientation that would allow the pinion gear (17) to engage a ring gear (16) while communicating rotation of pinion gear (17) to a shaft (18) that runs through the seat stay. Orienting

clutch frame (15) horizontally would either make it impossible for pinion gear (17) to engage ring gear (16), or else shaft (18) would not be able to be run through the seat stay. Thus, Spicer neither discloses nor suggests the presently claimed structures.

Claim 14 was rejected under 35 USC §103(a) as being unpatentable over Chapell. It is believed that claim 14 derives patentability from the claims from which it depends.

Claims 17, 68 and 70-72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chapell in view of Gardel, et al (US 3,830,521). This basis for rejection is respectfully traversed.

It is well settled that there must be a reason for combining the teachings of references, and such reason must not come from the applicant's disclosure. The office action indicates that it would have been obvious to provide the Chapell bracket with a bridge in order to prevent rotation of the bracket about the chain stay. First, there is no indication that the Chapell device suffers from unwanted rotation around the chain stay, especially since the frame connected arm (42) abuts against the seat stay and is fixed to the wheel axle. Furthermore, it is unclear whether or not bracket (28) is a bridge. Fig. 1 only shows bracket (28) fixed to the left side seat stay, and the specification only states that bracket (28) is provided to locate the governor controlled mechanism (22) beneath the seat. No mention is made of preventing rotation around a chain stay. Finally, Gardel, et al's bracket is used to attach the governor controlled mechanism (22) to the seat stay, not to the chain stay as required by these claims.

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Chapell in view of Gardel, et al and Spicer. This basis for rejection is respectfully traversed.

Claim 18 requires a clamping band for coupling the first bracket support to the first chain stay. A clamping band is a thin strip of some material for binding a group of items together. Spicer discloses clamping devices (26) for coupling the clutch frame (15) to the chain stay. The clamping devices (26) use two bolts to clamp thick saddles together, and such does not meet even a broad definition of a band. Also, none of the other clamping devices described at col. 4, lines 55-64 of Spicer constitute a band.

Claim 73 was rejected under 35 U.S.C. §103(a) as being unpatentable over Chapell and Gardel, et al in view of Suga. It is believed that claim 73 derives patentability from the claims from which it depends.

Accordingly, it is believed that the rejections under 35 USC §102, §103 §112 and have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



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**VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE
IN THE CLAIMS**

Claims 1, 17, 54, 66, 68 and 70 have been amended as follows:

1. (Amended) A bracket apparatus for mounting a control device for a bicycle transmission to a bicycle frame, wherein the frame [is of the type having] has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

 a bracket base for supporting the control device at least partially above the first chain stay; wherein the bracket base has a substantially horizontal upper surface for substantially its entire length;

 a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay; and

 a second bracket support for coupling the bracket base to at least one of the first chain stay, the seat tube, and the bottom bracket shell.

17. (Amended) A bracket apparatus for mounting a control device for a bicycle transmission to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

a bracket base for supporting the control device at least partially above the first chain stay;
 a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay;

a second bracket support for coupling the bracket base to the first chain stay; and

 [The apparatus according to claim 2] wherein the bicycle frame [is of the type having] has a second chain stay extending rearwardly relative to the seat tube, and further comprising a bracket

support bridge adapted to bridge the first chain stay and the second chain stay for coupling the second bracket support to the first chain stay and to the second chain stay.

54. (Amended) The apparatus according to claim [2] 52 wherein the second bracket support extends downwardly from a lateral side of the bracket base when viewed from a front of the bracket base.

66. (Amended) A bracket apparatus for mounting a control device for a bicycle to a bicycle frame, wherein the frame [is of the type having] has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

a bracket base for supporting the control device at least partially above the first chain stay;
wherein the bracket base has a substantially horizontal upper surface for substantially its
entire length; and

a bracket support extending from the bracket base for coupling the bracket base to at least
one of the first chain stay, the first seat stay, the seat tube, and the bottom bracket shell.

68. (Amended) A bracket apparatus for mounting a control device for a bicycle to a bicycle
frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the
bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat
stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus
comprises:

a bracket base for supporting the control device at least partially above the first chain stay;
wherein the bracket base has a substantially horizontal mounting surface for mounting the
control device to the bracket base;

a bracket support extending from the bracket base for coupling the bracket base to the first
chain stay; and

[The apparatus according to claim 67] wherein the bicycle frame [is of the type having] has a
second chain stay extending rearwardly relative to the seat tube, and further comprising a bracket

support bridge adapted to bridge the first chain stay and the second chain stay for coupling the bracket support to the first chain stay and to the second chain stay.

70. (Amended) A bracket apparatus for mounting a control device for a bicycle to a bicycle frame, wherein the frame [is of the type having] has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

 a bracket base for supporting the control device at least partially above the first chain stay; wherein the bracket base has a substantially vertical mounting surface for mounting the control device to the bracket base;

a bracket support extending from the bracket base for coupling the bracket base to the first chain stay; and

 [The apparatus according to claim 69] wherein the bicycle frame [is of the type having] has a second chain stay extending rearwardly relative to the seat tube, and further comprising a bracket support bridge adapted to bridge the first chain stay and to the second chain stay for coupling the bracket support to the first chain stay and to the second chain stay.